



Wayne Presby  
MWH Preservation Limited Partnership  
Rte 302  
Bretton Woods, NH 03575

**LETTER OF DEFICIENCY# WSEB 02-115**  
**CERTIFIED MAIL# 7099 3400 0003 0692 3096**

Subject: Carroll - Public Water System: Rosebrook Water Company, Inc. (EPA# 0382010)

Dear Mr. Presby

The records of the Department of Environmental Services (DES) show that the Rosebrook Water Company, Inc. water system is classified as a public water system (PWS), as defined by RSA 485:1-a. A PWS is defined as any water system serving 15 or more services, or 25 or more people for 60 days or more a year.

RSA 485:8, II prohibits the addition of a source to a public water system without final approval by DES. By letter dated March 8, 2000, DES approved the water system's request to connect gravel pack well #2 to the system for emergency use only. A temporary, emergency approval of the well is not a final well siting approval from DES. The March 8, 2002, letter from DES granting emergency use of the well specifically stated, "Be advised that the project must be complete and activated by October 1, 2000, including review and approval of the final well siting report" (emphasis added). In January 2001, the water system submitted a report entitled "Final Well Siting Report Large Overburden Well-GPW2 for the Rosebrook Water Company". The report, submitted to meet the requirements of NH Admin. Rule Env-Ws 378, *Site Selection Of Wells For Community Water Systems*, was incomplete and thus DES could not issue a final well approval. By letter dated February 26, 2001 (copy enclosed), DES outlined the areas in which the report was deficient. To date, DES has not received the final well siting report to address the deficiencies noted in the original report. Continued use of gravel pack well #2 without obtaining final well siting approval from DES places the water system in violation of RSA 485:8, II and Env-Ws 378.04.

On November 8, 2001, DES staff conducted a sanitary survey of the water system in accordance with Env-Ws 306. The purpose of the survey was to evaluate the adequacy of the water sources, storage facilities, equipment, operation, and maintenance to produce and distribute safe drinking water. Pursuant to Env-Ws 306, items identified as significant deficiencies in the sanitary survey report are required to be corrected within 90 days. The sanitary survey report, dated January 7, 2002, (copy enclosed) identified three significant deficiencies: the lack of sampling taps for each source and treatment process, an inoperative well pump in well #1, and the failure to obtain final well approval for well #2. By letter dated December 6, 2001, a water system representative, Rick Vashaw, advised DES that a sample tap would be installed in the fall of 2002 and added several other comments concerning minor issues raised during the sanitary survey. To date, DES has not received a written response indicating that well #1 is fully functional and has not received the final well siting report. The failure to submit proof that the significant deficiencies identified in the sanitary survey report were corrected within 90 days of the survey places the water system in violation of Env-Ws 306.

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Pursuant to Env-Ws 378.06, the sanitary protective area (SPA) surrounding a public water system well must be kept in a natural state, except for structures and activities necessary for the maintenance of the well. On August 21, 2002, DES staff visited the water system. At that time, the following items were observed within the SPA: a junk car, a tractor-trailer box, cordwood, sand and gravel piles, a used metal tank, a concrete tank, a crushed metal tank, and a construction through-road. The presence of these items and structures within the SPA places the water system in violation of Env-Ws 378.06.

DES believes the noted violations can be corrected and future violations prevented by taking the following actions:

- By September 30, 2002**, remove the junk car, tractor-trailer box, cordwood, sand and gravel piles, concrete and metal tanks, and any other items or structures located within the sanitary protective area that are not absolutely necessary to the operation and maintenance of the water supply wells. The area is to be restored to, and maintained in, a natural state; and
2. **By October 31, 2002**, make any and all repairs necessary to well# 1 to make it fully functional and certify the operational status of the well in writing to DES; and
  3. **By October 31, 2002**, install sampling taps for each source and before and after each treatment process in the manner described in the sanitary survey report and certify the installation of the taps in writing to DES; and
  4. **By October 31, 2002**, submit to DES for review a final well siting report for well# 2 that meets the requirements of Env-Ws 378.

In the event compliance is not achieved within these time periods, DES may take further enforcement action, including issuing an order requiring the deficiency to be corrected, initiating an administrative fine proceeding, and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

The final well siting report and other requested documentation, as requested above, should be addressed as follows:

Diana Morgan  
Department of Environmental Services  
Water Supply Engineering Bureau  
6 Hazen Drive, PO Box 95  
Concord, NH 03302-0095

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If you have any question concerning the sanitary protective area or the requirements of the final well siting report, please call Diana Morgan at (603) 271-2947 or e-mail her at [dmorgan@des.state.nh.us](mailto:dmorgan@des.state.nh.us). Please call Alan Leach at (603) 271-2854 or e-mail him at [aleach@des.state.nh.us](mailto:aleach@des.state.nh.us) if you have any questions regarding this letter.

Sincerely,



**COPY**

Anthony P. Giunta, P.G., Administrator  
Water Supply Engineering Bureau

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- encl: Copy of DES letter dated February 26, 2001  
Copy of the sanitary survey report dated January 7, 2002
- cc: Gretchen Rule, DES Legal Unit (w/o encl.)  
Diana Morgan, WSEB (w/o encl.)  
Edward Daniels, Town of Carroll Health Officer (w/o encl.)  
Terry Welch, Primary Operator  
Michael Duffy, Provan & Lober  
US EPA, Region 1 (w/o encl.)